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UNITED STATES DISTRICT COURT

## DISTRICT OF NEVADA

THOMAS JENSEN,  
Plaintiff,  
v.  
ADAM BRENDEL, et al.,  
Defendant

Case No. 3:16-cv-00407-MMD-CBC

**MOTION FOR EXTENSION OF TIME TO  
FILE MOTION FOR SUMMARY  
JUDGMENT**

**(First Request)**

Defendants Adam Brendel, John “James” Buchanan, Timothy Howard and William Miller, by and through counsel Adam Paul Laxalt, Attorney General of the State of Nevada, and Darby G. Phelps, Deputy Attorney General, hereby submit their Motion for Extension of Time to File Motion for Summary Judgment. This Motion is based on Federal Rule of Civil Procedure 6(b)(1)(A), the following Memorandum of Points and Authorities, and all papers and pleadings on file in this action.

## MEMORANDUM OF POINTS AND AUTHORITIES

## I. ARGUMENT

Defendants file this Motion for Extension of Time out of an abundance of caution. Filed contemporaneously herewith is Defendants' Response to Plaintiff's Motion to Compel Discovery ("Response"). The Response requests that the Court amend the scheduling order and reopen discovery for an additional sixty (60) days. Defendants did not receive Plaintiff's Requests for Production of Documents or the correspondence Plaintiff attached as exhibits to his Motion to Compel Discovery

1 (ECF No. 22). The Response further requests that the Court move the dispositive motions deadline to  
2 thirty (30) days after the new discovery deadline. In the event the Court declines to reopen discovery  
3 and amend the scheduling order, Defendants respectfully request an additional thirty (30) day extension  
4 of time from the date of the entry of the order denying the request to amend the scheduling order.

5 Federal Rule of Civil Procedure 6(b)(1) governs extensions of time and provides as follows:

6 When an act may or must be done within a specified time, the court may,  
7 for good cause, extend the time: (A) with or without motion or notice if  
8 the court acts, or if a request is made, before the original time or its  
extension expires; or (B) on motion made after the time has expired if the  
party failed to act because of excusable neglect.

9  
10 Defendants' request is timely and its limited nature will not hinder or prejudice Plaintiff's case.  
11 The requested thirty (30) day extension of time should permit Defendants time to file a motion for  
12 summary judgment after a decision on the request to amend the scheduling order. Defendants assert  
13 that the requisite good cause is present to warrant the requested extension of time.

14 For these reasons, Defendants respectfully request a thirty (30) day extension of time from the  
15 date of the order denying the request to amend the scheduling order, if applicable.

16 DATED this 20th day of November, 2018.

17 ADAM PAUL LAXALT  
18 Attorney General

19 By:

  
20 DARBY G. PHELPS  
21 Deputy Attorney General  
22 State of Nevada  
23 Bureau of Litigation  
24 Public Safety Division

25  
26 *Deary*  
27 U.S. MAGISTRATE JUDGE  
28 DATED: 11/27/2018

29 IT IS SO ORDERED.

## **CERTIFICATE OF SERVICE**

I certify that I am an employee of the Office of the Attorney General, State of Nevada, and that on this 20th day of November, 2018, I caused to be served a copy of the foregoing, **MOTION FOR EXTENSION OF TIME TO FILE MOTION FOR SUMMARY JUDGMENT**, by U.S. District Court CM/CFE Electronic Filing to:

Thomas Jensen, #59748  
Care of NNCC Law Librarian  
Northern Nevada Correctional Center  
P.O. Box 7000  
Carson City, NV 89702  
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Connie L. Shumard  
An employee of the  
Office of the Attorney General